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CENTRAL FAX CENTER**OCT 23 2006**Serial No.: 09/941,229
Docket No.: 050115-1050**REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed June 23, 2006 (Paper No. 20060614). Upon entry of this response, claims 45-62, 64-67, and 70-73 are pending in the application. In this response, claim 67 has been amended, and claims 63-66 have been cancelled. Applicants respectfully request that the amendments being filed herewith be entered and request that there be reconsideration of all pending claims.

1. Rejection of Claims 45-62 under 35 U.S.C. §102

Claims 45-62 have been rejected under §102(e) as allegedly anticipated by *Fink et al.* (U.S. 6,526,684). Applicants respectfully traverse this rejection. A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See, e.g., *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983).

a. Claims 45, 52, and 59

Applicants respectfully submit that *Fink et al.* fails to teach, disclose or suggest at least the feature of "re-sequencing the series of multi-media data flow packets into a pseudo-random order; and transmitting each multi-media data flow packet in the re-sequenced series in the re-sequenced order" as recited in claims 45, 52, and 59.

Fink et al. discloses a system which receives packets, encrypts portions of an IP packet header, including "packet sequencing information" and re-transmits the encrypted packet. The Office Action alleges that encryption corresponds to "re-sequencing the series of multi-media data flow packets into a pseudo-random order" as

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recited in claims 45, 52, and 59. (Office Action, p. 4, para. 1.) Applicants respectfully disagree.

First, Applicants disagree that "encryption" corresponds to "re-sequencing". *Fink et al.* appears to disclose conventional block cipher techniques by which an input byte array is transformed according to a key rather than any sort of encryption that involves re-sequencing. Next, even assuming, *arguendo*, that *Fink et al.* discloses re-sequencing bytes, claims 45, 52, and 59 do not recite re-sequencing bytes within a packet, but instead recite re-sequencing the packets in a series of received packets.

Fink et al. does not disclose, teach, or suggest that the transmitter alters the **sequence** of encrypted packet, since the only description in *Fink et al.* of the transmission of the encrypted packets is "[o]nce translated, this encrypted packet is transmitted across the Internet 36." (*Fink et al.*, Col. 7, lines 15-20.) Nor does the discussion of the receiver say anything about the sequence in which packets are transmitted: "if the sending enclave is recognized as a trusted enclave, the receiving ASD peer 35 restores the packet in accordance with the prearranged protocol. The result of this process is a restored packet identical to the original packet created by the sending host 31." (*Fink et al.*, Col. 7, lines 20-25.)

The Office Action indicates that "such restoration is required because packet header information such as sequence number has been randomized/encrypted before transmission." (Office Action, p. 4, para. 1.) Applicants respectfully submit that this "restoration" refers only to decryption, and does not relate at all to the packet's position in a received sequence. Applicants do not disagree that the receiver must restore the packet after transmission, and also agree that the transmitter changes the contents of

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the packets by encryption. However, neither of these features in *Fink et al.* correspond to "re-sequencing the series of multi-media data flow packets" and "transmitting each multi-media data flow packet in the re-sequenced series in the re-sequenced order" as recited in claims 45, 52, and 59.

Applicants have examined *Fink et al.* and find no discussion of sequencing or re-sequencing. Therefore, if the Examiner maintains the rejection of claims 45, 52, and 59, the Examiner is respectfully requested to point out with particularity which portions of *Fink et al.* correspond to the claimed features of "re-sequencing" and "transmitting...in the resequenced order."

For at least the reason that *Fink et al.* fails to disclose, teach or suggest the above-recited features, Applicants respectfully submit that *Fink et al.* does not anticipate claims 45, 52, and 59. Therefore, Applicants request that the rejection of claims 45, 52, and 59 be withdrawn.

b. Claims 46-51, 53-58, and 60-62

Since claims 45, 52, and 59 are allowable, Applicants respectfully submit that claims 46-51, 53-58, and 60-62 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 46-51, 53-58, and 60-62 be withdrawn.

2. Rejection of Claims 63-67 and 70-73 under 35 U.S.C. §103

Claims 63-67 and 70-73 have been rejected under §103(a) as allegedly obvious over *Fink et al.* (6,526,684) in view of *Akiyama et al.* (5,623,548). Applicants respectfully

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submit that these rejections have been rendered moot by claim cancellation or overcome by claim amendments made herein.

a. Claims 63-66

Claims 63-66 are cancelled without prejudice, waiver, or disclaimer, and the rejection of these claims is therefore rendered moot. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these cancelled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the cancelled subject matter to the public. Applicants expressly reserves the right to present cancelled claims 63-66, or variants thereof, in continuing applications to be filed subsequent to the present application.

b. Claim 67

Applicants have amended claim 67 to recite "replacing the port address in each packet with the product of the corresponding number in the sequence and the size of the sequence" as recited in claim 67. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981). Neither *Fink et al.* nor *Akiyama et al.*, alone or in combination, discloses, teaches, or suggests the above-recited feature. Since the proposed combination does not teach at least the above-described feature recited in claim 67, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claim

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67 is not obvious under the proposed combination of *Fink et al.* in view of *Akiyama et al.*, and the rejection should be withdrawn.

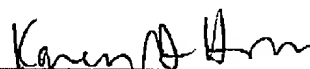
c. Claims 70-73

Since claim 67 is allowable, Applicants respectfully submit that claims 70-73 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully request that the rejection of claims 70-73 be withdrawn.

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Docket No.: 050115-1050**CONCLUSION**

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 45-62, 64-67, and 70-73 be allowed to issue. Any statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,

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